

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

DEBBIE PLUCKER, Plaintiff, vs. UNITED FIRE & CASUALTY COMPANY, Defendant.	Civ. 12-4075 RULE 37(b) MOTION FOR SANCTIONS
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The Plaintiff, by and through her Counsel, Cutler & Donahoe, LLP, respectfully moves the Court for an order pursuant to Rule 37(b) imposing sanctions against Defendant for failure to comply with the Court's Order Compelling Discovery [Doc. 29].

1. On January 8, 2014, the Court entered an Order [Doc. 29] directing Defendant to produce documents requested by Plaintiff's Motion to Compel [Doc. 16].

2. The Court's order provided the following deadline: "United Fire must produce the subject documents not later than January 31, 2014." [Doc. 29, pp. 9-10].

3. As of February 6, 2014, Defendant has neither produced any responsive documents nor contacted Plaintiff to request an extension.

4. Defendant's refusal to comply with the Court's Order is consistent with Defendant's failure to disclose responsive documents in the past.

5. Defendant's refusal constitutes a willful failure to comply with the Court's order, warranting severe sanctions. *See Superior Composite Structures, LLC v. Parrish*, Civ. No. 10-4066, 2013 U.S. Dist. LEXIS 84015 (D.S.D. June 13, 2013).

ACCORDINGLY, Plaintiff asks the Court for the following relief:

1. An order rendering default judgment against Defendant.
2. Alternatively, an order directing that Plaintiffs are entitled to an adverse inference for all matters contained in the Court's Order granting Plaintiff's Motion to Compel.
3. Alternatively, an order finding Defendant in contempt.
4. Monetary sanctions against Defendant.
5. Plaintiff's costs and expenses.

Dated this 7th day of February, 2014.

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CERTIFICATE OF SERVICE

I certify that on the 7th day of February, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the appropriate parties:

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